



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

LM02/0410

MAUREEN STRETCH
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APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/192,735	11/16/98	058	MEINECKE DIAZ, S	2765 04/10/00
First Named Applicant	CONKLIN, 35 USC 154(b) term ext. = 0 Days.			

TITLE OF INVENTION SYSTEM FOR ITERATIVE, MULTIVARIATE NEGOTIATIONS OVER A NETWORK

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
2 ET98-001	705-080.000	Z99	UTILITY	YES	\$655.00	07/10/00

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number.

Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PATENT AND TRADEMARK OFFICE COPY

Notice of Allowability

Application No.
09/192,735

Applicant(s)
Conklin et al.

Examiner
Susanna Meinecke-Diaz

Group Art Unit
2765



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to Applicant's amendment filed March 21, 2000.

☒ The allowed claim(s) is/are 1-58.

☐ The drawings filed on _____ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☒ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. 11.

☒ including changes required by the proposed drawing correction filed on Mar 7, 2000, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☐ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

ERIC W. STAMBER
PRIMARY EXAMINER

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15/10
4-2-00

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Maureen Stretch on April 1, 2000.

2. The application has been amended as follows: Claims 59-102 have been canceled.

Response to Amendment

3. The previous drawing objections are withdrawn.
The previous objections to the specification are withdrawn.
The previous claim objections are withdrawn.
The previous art rejections are withdrawn.

Election/Restriction

4. Restriction to one of the following inventions is required under 35 U.S.C. 121:

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- I. Claims 1-58, drawn to an apparatus and method for processing multivariate negotiations, classified in class 705, subclass 80.
- II. Claims 59-71 and 102, drawn to an apparatus and method for the remote authoring of web sites used in multivariate negotiations, classified in class 707, subclass 513.
- III. Claims 72-89, drawn to an apparatus and method for creating and managing a sponsored community of members desiring to participate in multivariate negotiations, classified in class 706, subclass 47.
- IV. Claims 90-101, drawn to an apparatus and method for integrating a database into a multivariate negotiations system, classified in class 707, subclass 1.

5. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as creating web sites for conducting any sort of interactive communication between two users, such as for a bulletin board Internet system. See MPEP § 806.05(d).

6. Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be

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separately usable. In the instant case, invention III has separate utility such as any rule-based system which authorizes participation in Internet communications, such as determining who has access to a particular web site or an Internet chat room. See MPEP § 806.05(d).

7. Inventions I and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention IV has separate utility such as a database which stores messages placed on an Internet bulletin board. See MPEP § 806.05(d).

8. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

9. During a telephone conversation with Maureen Stretch on April 1, 2000 a provisional election was made without traverse to prosecute the invention of claims 1-58. Affirmation of this election must be made by applicant in replying to this Office action. Claims 59-102 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

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10. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Allowable Subject Matter

11. Claims 1-58 are allowed.

12. The following is an examiner's statement of reasons for allowance: The present invention has been deemed allowable for its unique manner of conducting negotiations between human users, including **"the analysis of terms comprising understanding the purpose of the terms, formatting the terms according to the purpose, and placing them into user supplied context"** and the "automated negotiations engine further recognizing any changes in the terms and storing in the storage space the terms each terminal proposes, and recognizing the terminal to which the proposed terms are being sent as the indicated terminal, sending terms to the indicated terminal, **the automated negotiations engine indicating any changes in the terms** until a set of terms is acted upon in a final manner." The limitation **"the analysis of terms comprising understanding the purpose of the terms, formatting the terms according to the purpose"** has been interpreted to reflect the fact that when a user changes one of the negotiation terms, the

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negotiations engine does not just merely forward redline corrections, but it processes the change to decide to which category of terms the change correlates. Silverman et al. (U.S. Patent No. 5,924,082) teach an interactive negotiations system between at least two human users, where the users may communicate with one another through a structured dialog; however, they fail to anticipate or suggest a negotiations engine which itself can identify the types of changes being made. Silverman et al. maintain a transcript of the negotiations session, but its central computer system does not seem to analyze the changes to classify them by their particular term categories. Furthermore, regarding the limitation **"the automated negotiations engine indicating any changes in the terms,"** the Shirley et al. reference (U.S. Patent No. 5,692,206) has been cited to teach a contract generation system which allows for manual editing (e.g., redlining) of the document for customization purposes (Abstract). Unlike the Shirley et al. reference, the present invention obviates the need for manual editing, which can cause a messy presentation and be time-consuming, by implementing a negotiations engine which itself handles the recognition and indication of changes in terms to the negotiating parties.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references cited on PTO Form 892 (past and present), and not applied in an art rejection or discussed in detail (such as the Shirley et al. reference was above), are deemed to serve as background regarding on-line bidding/negotiations systems, redlining/editing, and conflict resolution.


14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna Meinecke-Díaz whose telephone number is (703) 305-1337. The examiner can normally be reached Monday-Thursday from 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen MacDonald, can be reached at (703) 305-9708.

The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Informal faxes for this Art Unit can be submitted to (703) 305-0040.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

SMD
April 3, 2000


ERIC W. STAMBER
PRIMARY EXAMINER